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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA

4 v.

21 CR 703 (NSR)

5 BAIL HEARING

6 OCTAVIUS FRYAR,

7 Defendant.

8 -----x
9 United States Courthouse
10 White Plains, N.Y.
11 November 16, 2020
12
13

14 Before: THE HONORABLE JUDITH C. MCCARTHY, Magistrate Judge
15
16

17 APPEARANCES

18 AUDREY STRAUSS

19 United States Attorney for the
20 Southern District of New York

DEREK WIKSTROM

21 Assistant United States Attorney

22 FRANCIS O'REILLY

23 Attorney for Defendant
24

25 Also present: VINCENT ADAMS, Pretrial Services

*Proceeding recorded via digital recording device.

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1 THE DEPUTY CLERK: United States of
2 America v. Octavius Fryar.

3 Counsel, please state your appearances for the
4 record.

5 MR. WIKSTROM: Good afternoon, your Honor. Derek
6 Wikstrom for the government.

7 THE COURT: Good afternoon, Mr. Wikstrom.

8 MR. O'REILLY: Francis O'Reilly on behalf of Octavius
9 Fryar, your Honor. Good afternoon.

10 THE COURT: Good afternoon, Mr. O'Reilly.

11 And good afternoon, Mr. Fryar.

12 Also on the line, we have Mr. Adams from Pretrial
13 Services.

14 I want to place on the record, although it's stating
15 the obvious, we're in the middle of a global pandemic and we
16 are proceeding remotely. I am in the court and counsel is in
17 remote locations and Mr. Fryar I believe may be at one of the
18 FBI locations.

19 We had hoped to proceed by video conference, but,
20 unfortunately, the video conference capabilities are not
21 working at this moment for Mr. Fryar, so counsel and myself are
22 on video and audio while Mr. Fryar is only proceeding by
23 telephone conference audio with us.

24 Mr. O'Reilly, if you could please place on the record
25 whether your client, Mr. Fryar, or your soon-to-be client,

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1 Mr. Fryar, consents to proceed this way.

2 MR. O'REILLY: Yes, your Honor, he does consent. He
3 and I spoke earlier today, your Honor, and we reviewed -- you
4 know, I discussed with him his right to an in-person hearing
5 and whether he would be willing to proceed by video
6 conferencing. At that time, he said he would agree to proceed
7 by video conferencing. Subsequently, your Honor, we learned
8 that there's a technical difficulty with the video for
9 Mr. Fryar. Your Honor was kind enough to give us an
10 opportunity for Mr. Fryar and I to speak privately, and I
11 discussed with him whether he wanted to proceed by
12 teleconferencing. He did agree to that, your Honor, so, after
13 that conversation between Mr. Fryar and myself, he consents to
14 proceeding telephonically for him alone.

15 THE COURT: So, Mr. Fryar, is that true? Do you
16 consent to proceed by telephone?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. I have before me the consent form.
19 I'm going to cross out the video conference and just leave the
20 telephone conference part in there. Is that acceptable to you,
21 Mr. O'Reilly?

22 MR. O'REILLY: Yes, your Honor.

23 THE COURT: And then, Mr. Fryar, do I have your
24 permission to sign your name to the consent form?

25 THE DEFENDANT: Yes.

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1 THE COURT: Okay. I will sign your name to the
2 consent form. I will also sign my name.

3 And Mr. Petkov seems to have gotten his Skype
4 working.

5 MR. PETKOV: Marines don't give up, your Honor.

6 THE COURT: Okay. So, Mr. Petkov, thank you.

7 Mr. Fryar, can you see and hear me?

8 THE DEFENDANT: I can see.

9 THE COURT: I'm Judge McCarthy, the one in the black
10 robe.

11 Mr. Wikstrom, identify yourself by raising your hand.

12 You have to say something probably because he's on
13 the phone.

14 MR. WIKSTROM: I'm Derek Wikstrom. I'm the
15 prosecutor.

16 THE COURT: And then Frank O'Reilly is counsel that I
17 will appoint to you.

18 And, Mr. Petkov, I can only see the roof now.

19 Thank you.

20 (Pause)

21 THE DEFENDANT: I can only see the lawyer.

22 THE COURT: You should be able to see whoever's
23 talking.

24 THE DEPUTY CLERK: Judge, because we're not using
25 Skype for audio, it's not going to switch between people.

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1 THE COURT: Okay. So what I'm going to ask you to
2 do, Mr. Petkov -- can you do me a favor?

3 MR. PETKOV: Yes.

4 THE COURT: Is it possible for you to put the audio
5 on for one moment on the Skype? I don't know if you can. And
6 then I will speak. You should have me. Now take the audio
7 off, please.

8 MR. WIKSTROM: Your Honor, I believe you need to
9 unmute your Skype for that to work.

10 THE COURT: Yes, that would help. Thank you,
11 Mr. Wikstrom.

12 Mr. Petkov, you got me on your audio now -- or your
13 Skype now?

14 MR. PETKOV: Yes.

15 THE COURT: Okay. Now I'm going to mute my button.

16 And, Mr. Petkov, if you could mute yours.

17 So are we ready to proceed?

18 Thank you, Agent.

19 MR. PETKOV: You're welcome, your Honor.

20 THE COURT: Mr. Fryar, can you see me now? My name
21 is Judge McCarthy.

22 THE DEFENDANT: Yes.

23 THE COURT: And can you hear me?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. We're going to proceed this way.

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1 Okay, Mr. Wikstrom, when was Mr. Fryar arrested and
2 where?

3 MR. WIKSTROM: Your Honor, he was arrested at
4 approximately 7:55 this morning in Newburgh, New York. And
5 I'll note for the record he's now at the FBI's resident agency
6 in Rye, New York.

7 THE COURT: Thank you.

8 Okay. So, Mr. Fryar, I want to advise you this is
9 not a trial. This proceeding is called an initial appearance.
10 The purpose of today's proceeding is to advise you of your
11 rights, to inform you of the charges against you and determine
12 whether bail should be set that may allow you to be released
13 and, if so, what that bail should be.

14 You have the right to remain silent at this and every
15 stage of the proceeding. Any statement that you make may be
16 used against you. You have the right to remain silent even if
17 you already made statements to the authorities, and you're not
18 required to answer any questions that law enforcement officers
19 ask you from this moment on. Because of that, I suggest you
20 consult with your attorney before you answer any questions that
21 may be asked, including questions that I will ask you during
22 the proceeding. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Ms. Hummel, could you please place
25 Mr. Fryar under oath or affirmation.

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(Defendant Octavius Fryar sworn)

THE COURT: Mr. Fryar, you're under oath. It's important for you to understand that if you knowingly make a false statement during these proceedings, you could be subject to prosecution for perjury or for making a false statement to the Court, and you could face a punishment up to five years in prison and a \$250,000 fine if convicted of those offenses. This punishment would be separate and apart from any sentence you will be facing on the crime charged in the complaint. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: It's also important for you to understand that any false statement you may make during this proceeding as well as any false statement you may have made to Pretrial Services may be used against you at trial if you decide to testify at trial. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: What is your full name, Mr. Fryar?

THE DEFENDANT: Octavius Fitzgerald Fryar.

THE COURT: And how old are you?

THE DEFENDANT: Fifty-two.

THE COURT: Do you have any difficulty reading, writing, speaking or understanding English?

THE DEFENDANT: No.

THE COURT: How far did you go in school?

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1 THE DEFENDANT: Some college.

2 THE COURT: Have you ever been hospitalized or
3 treated for narcotic or alcohol addiction?

4 THE DEFENDANT: Yes.

5 THE COURT: When was the last time?

6 THE DEFENDANT: Approximately 2011.

7 THE COURT: Okay. Was it inpatient or outpatient?

8 THE DEFENDANT: Inpatient.

9 THE COURT: Thank you.

10 Have you taken or used any mind-altering drugs,
11 medicine or pills or consumed any alcohol in the last 24 hours?

12 THE DEFENDANT: No.

13 THE COURT: If you've made any statements to Pretrial
14 Services that you would like to have changed or added to in any
15 way, you should let your lawyer know so the record can be
16 reflected. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Mr. O'Reilly.

19 MR. O'REILLY: Yes, your Honor.

20 THE COURT: Any corrections or additions to the
21 Pretrial Services report?

22 MR. O'REILLY: No, your Honor.

23 THE COURT: Thank you.

24 So, Mr. Fryar, you have the right to be represented
25 by an attorney during all court proceedings, including this

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1 one, and during all questioning by the authorities. You also
2 have a right to consult with your attorney prior to answering
3 any questions. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: You also have the right to retain an
6 attorney of your own choosing. If you cannot afford an
7 attorney, I will appoint one today to represent you without
8 cost to you.

9 I have a financial affidavit before me.

10 Mr. Fryar, would you like me to appoint counsel to
11 represent you today?

12 THE DEFENDANT: Yes.

13 THE COURT: Mr. O'Reilly, I know you've signed this.
14 You've signed this on behalf of your client and have completed
15 it. If you could please put on the record how you obtained
16 this information.

17 MR. O'REILLY: Yes, your Honor.

18 I received a copy of the financial affidavit, the CJA
19 23. I filled it out. Mr. Fryar and I had an opportunity to
20 speak by telephone earlier today. I asked him the questions as
21 they are laid out in the financial affidavit form, and he
22 responded to those questions, and I indicated the answer in the
23 appropriate spot.

24 I would point out, your Honor, that I'm looking at
25 the Pretrial Services report and the financial affidavit and

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1 there are some discrepancies between the two of them. I'm not
2 sure they're significant discrepancies, but he had told me he
3 had a vehicle worth about \$15,000 and, on the Pretrial report,
4 it says \$14,000. He indicates on the Pretrial report that he
5 has \$200 in a checking account. He told me that he did not
6 have any cash on hand. I think I asked him about accounts.
7 There's \$4,000 in cash listed on the Pretrial report. He and I
8 actually discussed that, but that amount was seized by the
9 agents at the time of his arrest, so I did not indicate that on
10 the report as cash available to him. And then on his liability
11 section, your Honor, he has medical expenses of \$1500 a month.
12 And maybe I overlooked asking him that particular question, but
13 I do not have that on the financial report. But other than
14 that, your Honor, that's how I gathered the information that's
15 on the financial affidavit that we submitted.

16 THE COURT: Okay.

17 Mr. Fryar, the information you provided to your
18 attorney and the permission you gave him to sign this form, is
19 that all accurate?

20 THE DEFENDANT: Yes. The 4,000 that I had, it was
21 seized. I was on my way to acquire more cars because I'm a
22 used auto car salesman.

23 THE COURT: Okay. And the medical liability, you
24 have \$1500 medical liability, also, right?

25 THE DEFENDANT: Yes. That's for my dental, for

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1 dental, and --

2 THE COURT: So based on the statements you made on
3 this form, I find that you are financially unable to obtain
4 counsel, and I appoint Francis O'Reilly to represent you.

5 I want to thank you, Mr. O'Reilly, for taking this
6 appointment.

7 MR. O'REILLY: Thank you, your Honor.

8 THE COURT: And, Mr. Fryar, if you are not a U.S.
9 citizen, you may request of the government attorney or a law
10 enforcement official to notify a consular officer from your
11 country that you've been arrested. Even without a request,
12 notification may be required by international agreement.

13 Are you a U.S. citizen, Mr. Fryar?

14 THE DEFENDANT: Yes.

15 THE COURT: So I have before me a complaint
16 containing the charge against you in this case. It's a
17 one-count complaint charging you with possessing a firearm in
18 violation -- a felon in possession of a firearm in violation of
19 Title 18, United States Code, 922(g)(1).

20 Mr. O'Reilly, have you seen a copy of this complaint?

21 MR. O'REILLY: Yes, I have, your Honor.

22 THE COURT: Okay. And have you had an opportunity to
23 review it with Mr. Fryar?

24 MR. O'REILLY: Yes, I did, your Honor. And we would
25 waive a public reading of the document.

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1 THE COURT: Okay.

2 Mr. Fryar.

3 THE DEFENDANT: Yes.

4 THE COURT: Have you had an opportunity to review
5 this complaint --

6 THE DEFENDANT: Yes.

7 THE COURT: -- with Mr. O'Reilly?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand the charges in the
10 complaint?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay.

13 So, Mr. O'Reilly, are you satisfied your client
14 understands the charges?

15 MR. O'REILLY: Yes, your Honor.

16 THE COURT: Do you waive the public reading?

17 MR. O'REILLY: Yes, your Honor.

18 THE COURT: On the issue of bail, what's the
19 government's position?

20 MR. WIKSTROM: The government's seeking detention,
21 your Honor.

22 THE COURT: And, Mr. O'Reilly, are you making an
23 argument today or reserving?

24 MR. O'REILLY: I would like to make an argument
25 today, your Honor. I am a little bit hampered only because of

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1 the shortness of time, but I think there are some significant
2 issues that I would like to bring to your Honor's attention
3 that I think needs -- that would militate towards his release
4 in this case.

5 THE COURT: Mr. O'Reilly, before you do, I would like
6 to have the government tell me on what grounds they believe
7 Mr. Fryar should be detained, and then you can respond.

8 MR. O'REILLY: Okay.

9 MR. WIKSTROM: Thank you, your Honor.

10 THE COURT: Mr. Wikstrom.

11 MR. WIKSTROM: The government's position is that
12 Mr. Fryar should be detained on both dangerousness and risk of
13 nonappearance grounds.

14 Let me start by saying that the offense conduct
15 charged here is charged solely as being a felon in possession
16 of a firearm, but the offense conduct is -- that understates
17 somewhat the seriousness of the offense conduct. And in
18 particular, I'll represent to the Court that the government has
19 evidence that Mr. Fryar is a crack dealer and, as mentioned in
20 the complaint, he obtained this gun that he's charged with
21 possessing after and seemingly in response to his apartment
22 being robbed at gunpoint of a quantity of narcotics.

23 Mr. Fryar got this gun perhaps in order to protect
24 himself, perhaps in order to obtain retribution, but whatever
25 the reason, he knows certainly that he's not allowed to possess

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1 the gun and he got it anyway in furtherance of his drug-dealing
2 business. And so, while the government hasn't charged that
3 yet, the government certainly could and would be prepared to
4 prove it.

5 Even without that, though, this is a man who has
6 received entirely too many second chances already. He has, as
7 recounted in the Pretrial report, six felony convictions,
8 twelve misdemeanor convictions. He's failed to appear four
9 different times. He's had his probation revoked in this
10 district. He's had two parole revocations. He received, on
11 a(b) (1) (A) conspiracy in 2010 and another
12 felon-in-possession-of-a-firearm charge, a time-served sentence
13 from Judge Karas. He served I think approximately three years
14 on that sentence, which is a gift in the context where
15 ordinarily he would have faced a ten-year mandatory minimum
16 and, yet, that, like the other prior conviction, simply didn't
17 deter him from continuing to commit criminal offenses.

18 And so in light of his conduct here, in light of his
19 enormous criminal past, the government respectfully submits
20 that there's no condition or collection of conditions that
21 could reasonably assure the community's safety or that
22 Mr. Fryar would appear at future court proceedings.

23 THE COURT: Thank you, Mr. Wikstrom.

24 Mr. O'Reilly, now I'm prepared to hear you.

25 MR. O'REILLY: Thank you, your Honor.

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1 First of all, I guess I would like to begin by saying
2 that the strength of the government's case, your Honor, is one
3 of many factors that you need to consider as you're
4 contemplating if there are appropriate conditions for
5 Mr. Fryar's release. I think there are a combination of
6 conditions, your Honor, that would assure his return to court
7 as well as minimize any danger to the community that he may
8 pose.

9 I would like to point out, your Honor, that I spoke
10 with his mother. Her name is Josephine Gardner. She lives in
11 North Carolina. And she was willing to sign a -- cosign a bond
12 on his behalf. And then I also spoke with his brother Edward.
13 And he's a resident of Newburgh, New York. He's been employed
14 for 23 years on a bread route. He actually has two bread
15 routes, your Honor. So the brother has substantial secure
16 employment for a long time, 23 years he indicated to me, and he
17 would be willing to allow his brother to come and live with him
18 if your Honor were inclined to set conditions of release.

19 Mr. Fryar, your Honor, he's 52 years old and he --
20 while he does have a significant criminal history, he does
21 have -- he also has significant medical issues that I think the
22 Court needs to consider when we're contemplating the conditions
23 of release.

24 And I would -- just looking at the excellent Pretrial
25 report prepared by Mr. Adams, your Honor, it indicates that

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1 Mr. Fryar suffers from high blood pressure and diabetes as well
2 as arthritis in the hips and then a urinary tract infection. I
3 would point out that high blood pressure and diabetes are
4 significant co-morbidity factors for the COVID-19 virus, your
5 Honor. And I'm also looking at Mr. Fryar, and there may be
6 some obesity issues, but I'm just doing that from the looks of
7 it. And so I think it's apparent from the Pretrial report that
8 he has significant medical risks if he is to be incarcerated.

9 I don't know the infection rate at let's say the
10 Westchester County facility. I'm unaware of that right now,
11 your Honor. I could find that out and get back to you probably
12 by tomorrow. But I do know that it is present or could very
13 well be present in the facility. The virus is expanding, as we
14 can -- just learned from the news reports.

15 So he does have significant co-morbidities, your
16 Honor. He does have significant family support that are
17 willing to sign the bond and allow him to live with them. He
18 could be placed on home detention with location monitoring,
19 your Honor, that would ameliorate some of the dangerousness and
20 risk of flight. And so thinking -- putting all of that
21 together, your Honor, I think there are -- I would suggest a
22 bond of a hundred thousand dollars. His brother said that he
23 would sign that bond, which I think is important because the
24 people that know him best are willing to put their financial
25 futures at risk for him, and I think that's significant for the

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1 Court's consideration. He would live with his brother. He
2 would be willing to be bound by location monitoring and any
3 other condition that your Honor thinks is appropriate to secure
4 his release in this case.

5 So I think there are a combination of conditions that
6 minimize the risk of flight and the dangerousness to the
7 community.

8 Thank you, your Honor.

9 THE COURT: Thank you.

10 Mr. Wikstrom.

11 MR. WIKSTROM: Briefly, your Honor. Thank you.

12 I want to note at the outset I certainly don't
13 dispute that Mr. Fryar has some medical issues, some of which
14 are COVID co-morbidities. I do think the Westchester County
15 Jail has done a good job controlling the spread of COVID as
16 jails go. I recognize that it's inherently a more high-risk
17 environment than community often is, although the community is
18 seeing fairly uncontrolled spread right now, too. But the risk
19 of contracting COVID in a jail, even if it is higher than it
20 would be in the community, is not enough to overcome the danger
21 that this defendant presents or the risk of flight that he
22 presents. And the fact that he has repeatedly previously
23 violated conditions, the fact that he has repeatedly previously
24 failed to appear should dissuade the Court from believing
25 Mr. O'Reilly's argument that there are conditions that would

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1 secure the safety and return to court.

2 Unless the Court has any questions, I'll otherwise
3 rest on my initial presentation.

4 THE COURT: No, Mr. Wikstrom.

5 Mr. O'Reilly, anything you want to add?

6 MR. O'REILLY: Just briefly, your Honor. And I
7 forgot to mention this in my initial comments. And this is a
8 tough argument to make, but as far as the failure to appears
9 go, your Honor, Mr. Fryar indicated to me that they were a
10 result of him being incarcerated, being out on bond and then
11 picking up a new case and, therefore, had failed to appear
12 because he was incarcerated on the new charges. I know that's
13 a difficult argument to make in this situation, but I think
14 that does explain a little bit of the failure to appears.

15 Other than that, I have no other comments, your
16 Honor.

17 THE COURT: Thank you.

18 Mr. Adams, anything that you heard here today change
19 the recommendation of Pretrial Services, which is that there is
20 no combination of conditions that will reasonably assure the
21 defendant's appearance or the safety of the community?

22 MR. ADAMS: Your Honor, nothing has changed our
23 opinion or my recommendation.

24 THE COURT: Thank you.

25 So, in order to make a decision, I have to consider

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1 certain factors: The nature and circumstances of the offense
2 charged, including whether it's a crime involving a firearm;
3 the weight of the evidence against the defendant; the history
4 and characteristics, including the defendant's character and
5 mental health; the family and community ties; the employment
6 history; the financial resources; the criminal history; whether
7 there's been a history of drug or alcohol abuse or any other
8 problematic history concerning appearances to court; and the
9 nature and seriousness of a danger to any person of the
10 community that would be posed by your release.

11 Looking at this criminal record, six felony
12 convictions, twelve misdemeanor convictions, four failures to
13 appear, one probation revocation and two parole revocations --
14 and the fact that some of the failures to appear may be because
15 he was incarcerated, that just goes to the fact that Mr. Fryar
16 has trouble following court orders when he's out. And what I
17 see here is a man who is not following court orders. And when
18 you're looking at failure to appear, it's just not absconding,
19 it's showing up and being able to abide by the conditions on
20 release.

21 Although he has a brother in the community, he's
22 currently living in a hotel, so he does not have a permanent
23 residence. He's been living out of state for a while, too.
24 So, although he does have some community ties, they're not as
25 strong as others.

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1 I know he's working. He's self-employed as a used
2 car salesman. But, again, that is not the type of employment
3 history that has a tie to a specific location and would thwart
4 failing to appear.

5 He has very limited financial resources, which would
6 support not disappearing, but he does have a very lengthy
7 criminal history. He does have a very lengthy federal criminal
8 history. He also right now is being charged with a serious
9 offense, and the proffer from the government is that it's
10 related to some drug dealing.

11 So I do believe that the preponderance of the
12 evidence standard of risk of flight and then the higher
13 standard of danger to the community have been met in this case
14 by the government.

15 Now, I need to evaluate, however, if there are
16 conditions, special circumstances, that would warrant Mr. Fryar
17 not being released based on the pandemic and his
18 co-morbidities. In this case, the record I have before me is
19 insufficient to me to say that it has. I have no medical
20 records. I think he's going to Valhalla, but I'm not a hundred
21 percent sure. I believe and what I last heard, the numbers in
22 Valhalla have been low.

23 I will tell you my experience over this pandemic is
24 that Valhalla has done a good job, a very good job, of keeping
25 its inmates safe. In fact, I think some people are better in

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1 Valhalla than they are in the community.

2 But based on the information I have before me right
3 now, I cannot say that that standard has been met. And that
4 doesn't mean, as the community spread and as things change,
5 that an application can't be made for a change of circumstances
6 later on if it warrants and if there is evidence to support it,
7 but based on the record before me right now, I cake many that
8 determination.

9 So I'm going to deny the application for bail and I'm
10 going to remand Mr. Fryar to the custody of the U.S. Marshals
11 at the end of this proceeding.

12 Mr. Fryar has been arrested on a complaint, so he has
13 a right to a preliminary hearing at which the government will
14 have the burden of establishing that there's probable cause to
15 believe that a crime for which you're being charged has been
16 committed and that you're the person who committed it. If
17 you're in custody, you have that right to that preliminary
18 hearing within 14 days. If you're not in custody, you have
19 that right to that preliminary hearing within 21 days. A
20 preliminary hearing will not, however, be held if, before the
21 date it is scheduled, you are indicted by a grand jury or an
22 information is filed against you by the government.

23 In addition, you have a right to waive the
24 preliminary hearing or to consent to an extension of time for
25 that hearing and, by doing so, you do not give up any defenses

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1 or any other rights you may have. However, you should not
2 waive or consent to an adjournment until you've had an
3 opportunity to discuss the matter with your attorney.

4 Do you understand that, Mr. Fryar?

5 THE DEFENDANT: Yes.

6 THE COURT: And, counsel, have the parties agreed to
7 a date for the preliminary hearing?

8 MR. O'REILLY: No, your Honor.

9 THE COURT: No.

10 Do you want to do the 14th day under the law?

11 MR. O'REILLY: Yes, your Honor. Thank you.

12 THE COURT: Okay. So the preliminary hearing is
13 scheduled for November 30th.

14 MR. O'REILLY: Thank you, your Honor.

15 THE COURT: Is there anything else we need to do here
16 today?

17 MR. WIKSTROM: Nothing from the government. Thank
18 you, your Honor.

19 MR. O'REILLY: No, your Honor. Thank you.

20 THE COURT: The only question I have, Mr. O'Reilly,
21 is one of the things that I noticed, I think you mentioned
22 regarding Mr. Fryar's physical health, was also a urinary tract
23 infection. I don't know if he's on any medication for the high
24 blood pressure or if he's on any medication for the urinary
25 tract infection, but I want to --

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1 MR. O'REILLY: He has -- I'm sorry.

2 THE COURT: I want to know whether he needs a medical
3 order.

4 MR. O'REILLY: I do, your Honor. And as we noted,
5 he's holding up a bag of medications that he has with him. I
6 know he's on insulin. I don't know about the high blood
7 pressure or the other medications, but it appears there's five
8 or six medication bottles in that bag there. So, yes, I would
9 ask for an order of medical attention.

10 THE COURT: Okay. We will issue that.

11 MR. O'REILLY: Thank you, your Honor.

12 THE COURT: Anything else?

13 MR. O'REILLY: No, your Honor.

14 THE COURT: Okay.

15 Stay well, everyone.

16 Good luck to you, Mr. Fryar, and stay well, please.

17 Thank you.

18 THE DEFENDANT: Thank you.

19 MR. WIKSTROM: Thank you, your Honor.

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